

## DECLARATION FOR PATENT APPLICATION & POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### Binary Translator with Precise Exception Synchronization Mechanism

the specification of which (check one)

XX is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as U.S. Application Serial No.  
and was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims and the drawings and as amended by any amendment referred to above. I further acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations ' 1.56.

### FOREIGN APPLICATION AND/OR CLAIM FOR FOREIGN PRIORITY

I hereby claim foreign priority benefits under Title 35, United States Codes, ' 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

N/A

(Number)	(Country)	(Date filed)	Priority claimed?	Yes	No
N/A					

### U.S. PRIORITY CLAIM

I hereby claim the benefits under Title 35, United States Code ' 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code ' 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, ' 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/179,137	26 October 1998	Pending
(Application Serial No.)	(Filing date)	(Status - patented, pending, abandoned)

Power of Attorney: As a named inventor, I appoint the following attorney to prosecute this application and transact all business connected with it in the U.S. Patent and Trademark Office:


Jeffrey Slusher, Reg. No. 34,729

Send correspondence and direct telephone calls to:

Jeffrey Slusher  
34825 Sultan-Startup Rd.  
Sultan, WA 98294  
Phone & fax: (360) 793-6877

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: Edouard BUGNION

Inventor's signature: 

Date: 6/9/2000

Residence: Mountain View, California

Post Office Address: 255 S. Rengstorff #65, Mountain View, CA 94040

Citizenship: USA

Docket No. VMware5

Applicant(s) or Patentee(s): Edouard BUGNIONSerial or Patent No.: Not yet assignedFiled or Issued: HerewithFor: Binary Translator with Precise Exception Synchronization Mechanism**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS AS  
AN INDEPENDENT INVENTOR UNDER 37 CFR 1.9(f) and 1.27(b)**

As a below-named inventor, I declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under 35 U.S.C. 41(a),(b) to the Patent and Trademark Office with regard to the invention entitled:

**Binary Translator with Precise Exception Synchronization Mechanism**

which is described in:

☒ the specification filed herewith☐ application serial no. \_\_\_\_\_ filed \_\_\_\_\_☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern that would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(d).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed, or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern or organization☒ persons, concerns or organizations listed below

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: VMWare, Inc.ADDRESS: 3145 Porter Drive, Building F, Palo Alto, CA 94304, USA☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NON-PROFIT ORGANIZATION

Verified Statement Claiming Small  
Entity Status (Independent Inventors)

Docket: VMware5

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 CFR 1.28(b).

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon, or any patent to which the verified statement is directed.

Edouard BUGNION

Signature

Date

Verified Statement Claiming Small  
Entity Status (Independent Inventors)

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Docket No. VMware5

Applicant(s) or Patentee(s): Edouard BUGNIONSerial or Patent No.: Not yet assignedFiled or Issued: HerewithFor: Binary Translator with Precise Exception Synchronization Mechanism**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN: VMware, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 3145 Porter Drive, Building F  
Palo Alto, CA 94304, USA

I hereby declare that the small business concern identified above qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(c), for purposes of paying reduced fees to the U.S. Patent and Trademark Office. For purposes of this statement, 1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and 2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.

I further declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled:

**Binary Translator with Precise Exception Synchronization Mechanism**

and described in

- ☒ the specification filed herewith.  
☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the small business concern identified above are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as a small business concern under 37 CFR 1.9(c), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- [XX] no such person, concern, or organization exists.  
[ ] each such person, concern, or organization is listed below.

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Diane Greene

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING VM Ware, Inc.  
3145 Porter Drive, Building F  
Palo Alto, CA 94304, USA

ADDRESS OF SMALL BUSINESS CONCERN: VM Ware, Inc.  
3145 Porter Drive, Building F  
Palo Alto, CA 94304, USA

SIGNATURE Diane Greene DATE 6/9/2000